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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,314	05/19/2006	Philip Course	72882-012 (WRAJ-002)	3803
23630 7590 01/22/2010 MCDERMOTT WILL & EMERY LLP 28 STATE STREET BOSTON, MA 02109-1775			EXAMINER AUGUSTIN, EVENS J	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 01/22/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

BostonIPDocket@mwe.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,314	<b>Applicant(s)</b> COURSE, PHILIP	
	<b>Examiner</b> EVENS J. AUGUSTIN	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 31-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to an amendment filed on 10/30/09.
2. Claims 1-42 are pending. Claims 31- 42 have been withdrawn and claims 1-30 have been examined.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. . . .

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-30 are rejected under 35 U.S.C. 102(c) as being anticipated by Elston et al. (U.S. 20020143655) (“Elston”).
5. As per claims 1-30, Elston discloses an invention comprising of the following:
  - A. “a host server” (One or more servers, par. 28), “having electronic inventory of electronic goods/services” (the inventory of the store is housed in server(s), par. 81,

Art Unit: 3621

- which contains directory/databases – the databases show the multimedia objects inventory such as audio or video, par. 525);
- A. “at least one transaction device”(Point of sale terminals, par. 272);
  - B. “at least one service provider system”(transaction manager service, par. 94);
  - C. “and a content management system” (par. 19), where the content management system provides content in the form of details of electronic goods and/or services able to be transacted by the electronic transaction system to the at least one transaction device (par. 39) and where, upon the at least one transaction device issuing a client request to the host server for one or more of the electronic goods and/or services detailed (par. 120),
  - D. "Comprising a matrix recording a set of permissions and/or constraints applicable to the electronic transaction system" (A number of processes for closing the open authorization can be used. The details of these processes depend on the merchant's business rules and processes, the type of terminal equipment used in the store, par. 166. These business rules are kept in relational database[matrices], par. 240);
  - E. "Matrix includes at least one of the following dimensions: a transaction device dimension; an electronic good or service dimension; and a merchant dimension " (par. 260-262 and 268-269);
  - F. "Host server determines whether the client request complies with the set of permissions and/or constraints" (Request authorization determination, par. 133);
  - G. "Each transaction device of the at least one transaction device receives a set of unique identifiers from the host server, each unique identifier representing a component of

Art Unit: 3621

- the content " (item SKU, par. 293. It is well known in the art that SKU is attached to an item, variant, product line, bundle, service, fee, or attachment);
- H. "Content includes, in respect of each electronic service and/or good able to be transacted; at least one of the following: a description; a graphic to represent the electronic service or good; details of acceptable payment methods; details of acceptable validation or data entry mechanisms" (par. 142);
- I. "content includes at least one of the following: a menu structure for navigating the electronic services and goods able to be transacted; and details of any security mechanisms implemented to control access to any restricted portions of the menu structure " (par. 142);
- J. ("Transaction device receives a scheduled time for transmission of content " (Scheduling of orders, par. 259);
- K. Process modeling, figures 3A-F;
- L. Boolean modeling inherent due to its digital nature;

### ***Response to Arguments***

6. The United States Patent and Trademark Office has fully considered the applicant's arguments filed on 10/30/09, but has not found those arguments to be persuasive.
7. Argument 1: Prior Art does not teach electronics document and therefore, teaches away from the claimed invention.

Art Unit: 3621

8. Response 1: The prior art by Elston teaches the inventory of the store that is housed in server(s), par. 81, which contains directory/databases. The databases show the multimedia objects inventory such as audio or video, par. 525.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Any new ground(s) of rejection is due to the applicant's amendment. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
- 11.
12. In determining patentability of an invention over the prior art, the USPTO has considered all claimed limitations, and interpreted as broadly as their terms reasonably allow. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art.
13. It should also be noted that, in the office action that:

Art Unit: 3621

- A. Items in the rejection that are in quotation marks are claimed language/limitations.
  - B. Passages in prior art references may be mere rephrasing/rewording of claimed limitations, but the implicit/explicit meaning of the references vis-à-vis the claimed limitation remains intact.
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVENS J. AUGUSTIN whose telephone number is 571-272-6860. The examiner can normally be reached on 10am - 6pm M-F.
15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571)272-6779.

*/Evens J. Augustin/*  
Evens J. Augustin  
January 21, 2010  
Art Unit 3621